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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/705,433	11/03/2000	Jacob Christfort	50277-1567	7680

29989 7590 12/28/2004

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EXAMINER

ARMSTRONG, ANGELA A

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/705,433

Applicant(s)

CHISTFORT

Examiner

Angela A. Armstrong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-15 and 20-22 is/are rejected.
- 7) ☒ Claim(s) 4-7, 16-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 8-9, 12-13, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veprek et al (US Patent No. 6,496,801) in view of August et al (US 2003/0028378).
2. Regarding claims 1, 8-9, 12-13, and 20-22, Veprek teaches a speech synthesis system for generating speech from a fixed portion (which reads on the "anticipated-content segments") and a variable portion (which reads on the "unanticipated-content segments"). The system breaks down a frame or text message into an acoustic/phonetic representation. For example, acoustic representation 36 corresponds to fixed phrase 30 ("Your attention please"). Acoustic representation 38 corresponds to variable portion 34 ("Mason Street"). Acoustic representation 40 corresponds to fixed portion 32 ("is coming up in"). Acoustic representation 42 corresponds to variable portion 34 ("30"). Acoustic representation 44 corresponds to fixed portion 32 ("seconds"). Each acoustic representation is assigned a key, which defines selection criteria into prosodic template database 46 and acoustic template database 48 (col. 2, line 26 continuing to col. 3, line 41). Veprek does not teach the portions are content based which are selected based on rules.

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August teaches a text to speech module with a rules module for analyzing context of selected words or sentences, and teaches the application of the rules and context module facilitates more accurate pronunciation of each word (paragraph 0052).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Veprek to implement context and rules modules, as taught by August, for the purpose of providing more accurate pronunciation of the synthesized words, as suggested by August (paragraph 0052).

3. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veprek in view of August as applied to claims 1 and 13 above, and further in view of Buchner et al (6,535,854).

Regarding claims 2-3 and 14-15, Veprek and August do not teach storing usage statistics of the text-to-speech system.

Buchner teaches providing text to speech messages in which most frequent messages are tracked (col. 5, lines 38-42).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Veprek to implement tracking frequently used messages, as taught by Buchner, because such a modification would alleviate the need of reprocessing frequently used data and would allow obsolete data to be efficiently removed or updated.

4. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veprek in view of August as applied to claim 1, and further in view of Schultz (US 2002/0010584).

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Veprek and August do not teach text to speech services are provided by a host system.

Schultz teaches an interactive voice communication method and system for information and entertainment in which users access website information to retrieve celebrity information responses to a query, which implements synthesis module for generating the celebrity voice (paragraph 0162, 0049-0054).

It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Veprek a host system, as suggested by Schultz, for the purpose of providing access and synthetic speech output of information located and available through the World Wide Web.

#### *Response to Arguments*

5. Applicant's arguments filed August 30, 2004 have been fully considered but they are not persuasive.

Applicant argues neither Veprek nor August show splitting a text as claimed. The Examiner disagrees and argues Veprek specifically teaches the request processor (12) breaks down the frame (28) into an acoustic/phonetic representation, such that some acoustic representations (36) corresponds to fixed phrase 30 ("Your attention please") and some acoustic representations (38) corresponds to variable portion 34 ("Mason Street").

Applicant argues neither Veprek nor August teach generating speech as claimed. The Examiner disagrees and argues Veprek teaches using recordings of fixed portions of the prosodic templates at col. 3, lines 63-65 and using concatenated synthesizer for generating the acoustic output based on the acoustic templates of the variable and fixed portions (col. 4, lines 16-30).

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*Allowable Subject Matter*

6. Claims 4-7 and 16-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (703) 305-9645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Angela A. Armstrong  
Examiner  
Art Unit 2654

AAA  
December 17, 2004

*Angela Armstrong*